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NOTICE OF ALLOWANCE AND FEE(S) DUE

27155

7590

09/05/2008

AMIN, TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

DUONG, OANH L.

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/05/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,911	02/20/2004	Michael Kramer	MS307076.01/MSFTPS89US	7200

TITLE OF INVENTION: ARCHITECTURE FOR CONTROLLING ACCESS TO A SERVICE BY CONCURRENT CLIENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/05/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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27155 7590 09/05/2008
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,911 02/20/2004 Michael Kramer MS307076.01/MSFTP589US 7200

TITLE OF INVENTION: ARCHITECTURE FOR CONTROLLING ACCESS TO A SERVICE BY CONCURRENT CLIENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/05/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
DUONG, OANH L	2155	709-226000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/783,911	02/20/2004	Michael Kramer	MS307076.01/MSFTF589US	7200
27155	7590	09/05/2008	EXAMINER	
AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			DUONG, OANH L.	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/05/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 748 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 748 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/783,911

Applicant(s)

KRAMER ET AL.

Examiner

OANH DUONG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/22/2008.
2. ☒ The allowed claim(s) is/are 1, 3-7, 9-11, 16-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Oanh Duong/
Primary Examiner, Art Unit 2155

INTERVIEW SUMMARY

1. A proposed amendment as shown in Examiner's amendment below was communicated to Applicant's representative, Himanshu S. Amin (Registration No. 40,894) on August 26, 2008. Applicant's representative authorized examiner to enter the proposal by Examiner's amendment.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Himanshu S. Amin (Registration No. 40,894) on August 27, 2008.

The claims of the invention are amended as follows:

1. (Currently amended) A system that facilitates management of a subscription service, the system comprising:

a processor;

a rules component, running on the processor, that processes ~~one or more~~ a set of rules in accordance with the subscription service of a subscriber,

wherein the ~~one or more~~ set of rules comprising:

a rule that automatically provides a license to a predetermined number of clients, and prevents anonymous rotation of more clients than the predetermined number of clients that are authorized ~~by the number dictated~~ by the license; ~~wherein the rules component processes~~

a churn rule ~~of the one or more rules~~ that facilitates control of how often one of the clients that are concurrently accessing the subscription service can be replaced with a new client; and ~~processes~~

a frequency rule ~~of the one or more rules~~ that facilitates control of a number of times that one of the clients can leave the subscription service and re-enter the subscription service in a given period of time; and-

a services component that uses the ~~one or more set of~~ rules to automatically enforce the subscription service, in part, according to the number of concurrently connected clients of the subscriber; and

a tracking service that tracks client activity under the subscription service by managing an active list of concurrently connected clients such that the subscriber can be billed accordingly.

7. (Currently amended) The system of claim 1, wherein the ~~one or more set of~~ rules includes a rule that allows an unlimited number of concurrently connected clients for the ~~associated~~ subscriber.

8. (Canceled)

10. (Currently amended) The system of claim 1, ~~further comprising an wherein~~
the active list that is populated and depopulated dynamically according to a client
respectively connecting to and disconnecting from the services component.

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

17. (Currently Amended) A system that facilitates control of client access to a
service under a subscription service, the system comprising:

a processor;

a rules component, running on the processor, that processes a set of rules in
accordance with the subscription service of a subscriber,

wherein the set of rules comprising:

a rule for provide providing a mechanism for ensuring that a subscriber is
prevented from adding an unlimited number of clients or cycling clients in and out of the
a pool to effectively maintain the subscription service on a set of client computers to
which the subscriber is entitled; ~~wherein the rules component processes-~~

a churn rule, ~~which is for setting~~ how often any one of the client computers
machine can be placed into the subscription service replacing any old machine other
one of the client computers connected to the subscription service; and

a frequency rule for limiting on number of times a given client checks the allowed re-subscription frequency of an individual machine can re-subscribe to the subscription service in a given period of time;

a services component that uses the ~~one or more~~ set of rules to facilitate automatic enforcement of the subscription service according to ~~the~~ a number of concurrently connected clients of the subscriber; and

a tracking service that tracks client activity under the subscription service by managing an active list of the concurrently connected clients such that the subscriber can be billed accordingly.

18. (Currently amended) The system of claim 17, the ~~one or more~~ set of rules enforced in accordance with the subscriber are at least one of the same, partially overlapping, and different then one or more rules enforced in accordance with a different subscriber.

20. (Canceled)

22. (Currently amended) A method of managing a subscription service, comprising:

providing access to a service in accordance with the subscription service;

automatically controlling access to the service according to ~~one or more~~ a set of rules that are based at least in part on a number of clients that are concurrently accessing the service,

wherein the automatically controlling access to the service according to the set of rules comprising: the one or more rules

~~provide~~ providing a mechanism that prevents a subscriber from adding an unlimited number of clients or rotating clients in and out of the pool to effectively maintain the service on a set of client computers to which the subscriber is entitled;

processing a churn rule of the ~~one or more~~ set of rules that facilitates control of how often one of the clients that are concurrently accessing the service can be replaced with a new client; and

processing a frequency rule of the ~~one or more~~ set of rules that facilitates control of a number of times that one of the clients can access the service in a given period of time; and

tracking client activity under the subscription service by managing an active list of the concurrently accessed clients such that the subscriber can be billed accordingly.

25. (Currently amended) The method of claim 22, further comprising:

processing the ~~one or more~~ set of rules by allowing a subscriber of the subscription service to exceed selected ones of the ~~one or more~~ set of rules;

changing a level of service to a new level of service according to the selected ones of the ~~one or more~~ set of rules that were exceeded; and

thereafter, billing the subscriber at the new level of service.

26. (Currently amended) The method of claim 22, further comprising:
processing the ~~one or more~~ set of rules by allowing ~~[[a]]~~ the subscriber of the subscription service to exceed selected ones of the ~~one or more~~ set of rules;
changing a level of service to a new level of service according to the selected ones of the ~~one or more~~ set of rules that were exceeded; and
dropping back to the level of service after the selected ones of the ~~one or more~~ set of rules that were exceeded, have not been exceeded for a predetermined period of time.

27. (Currently amended) A computer-readable storage medium having computer-executable instructions for performing a method of managing a subscription service, the method comprising:

automatically providing a license to a predetermined number of clients, and limiting anonymous cycling of more clients through the subscription service than the predetermined number of clients that are authorized by the license;

facilitating automatic enforcement of the subscription service according to at least ~~one of a churn parameter and/or~~ and a frequency parameter;

providing access to a service in accordance with the subscription service;

tracking the access to the service according to an active list of existing clients that are concurrently accessing the service;

processing the access to the service by a new client; and
automatically enforcing the number of clients concurrently accessing the
service;

wherein the churn parameter includes a limit on a number of clients that can be replaced in a given period of time; and a frequency parameter includes a limit on a number of times a given client can be re-subscribed to the service over the given period of time.

32. (Currently amended) A system, embedded in a computer-readable storage medium, that facilitates managing a subscription service, the system comprising:

means for automatically providing a license to a predetermined number of clients, and preventing access and use of the subscription service by more clients than the predetermined number of clients that are authorized by the license;

means for processing a churn rule of ~~the one or more~~ a set of rules that limits ~~an amount of churn~~ a number of clients that can be replaced in per a specified time interval by denying new clients to be admitted into the subscription service until the specified period of time has elapsed;

means for processing a frequency rule of the ~~one or more~~ set of rules that facilitates control of a number of times that one of the clients can access the subscription service in a given period of time;

means for facilitates ~~the~~ performance of rules processing according to an inference;

means for providing access to a service in accordance with the subscription service;

means for processing the access to the service by a new client according a number of existing clients that are concurrently accessing the service;

means for tracking the access to the service; and

means for automatically enforcing the number of clients concurrently accessing the service in accordance with ~~a number~~ the set of rules.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

Applicant's argument is persuasive (see remarks, pages 11-14).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OANH DUONG whose telephone number is (571)272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oanh Duong/
Primary Examiner, Art Unit 2155